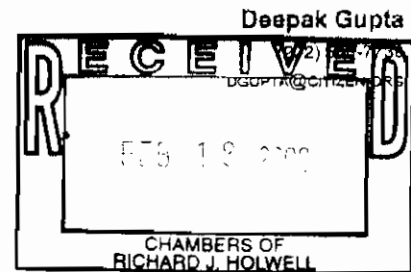


PUBLIC CITIZEN LITIGATION GROUP

1600 20TH STREET, N.W.
WASHINGTON, D.C. 20009-1001(202) 588-1000
FAX: (202) 588-7795

February 18, 2008

The Honorable Richard J. Holwell
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: *New York State Rest. Ass'n v. New York City Bd. of Health*
Case No. 08-cv-1000 (RJH)

Dear Judge Holwell:

On behalf of *amici curiae* Congressman Henry Waxman et al., I am writing to request leave to participate in oral argument in this case on Thursday, February 21st. We have briefed the preemption and First Amendment issues in this case and believe we can be of assistance to the Court in evaluating the arguments on both issues.

I have consulted with counsel for the parties regarding this request. Assistant Corporation Counsel Mark Muschenheim informed me that the City consents to this request. Counsel for the Restaurant Association, Kent Yalowitz, informed me that the Association takes no position on the matter.

Application Granted

SO ORDERED

[Signature]
USDT

Sincerely,

[Signature]
Deepak Gupta
Counsel for *Amici Curiae*

cc: Kent A. Yalowitz 2/18/08
Mark Muschenheim

